SUMMARY

Reconsideration of the application is respectfully requested.

Claims 1-38 were rejected in the above-identified final Office Action. Claims 1, 4-5, 8, 14, 17, 19-20, 23-24, 27, 33, 36, and 38 are amended. No new matter has been introduced. Accordingly, claims 1-38 remain pending in the application.

SPECIFICATION

In "Specification," item 7 on page 5 of the above-identified Office Action, the Examiner objects to the use of the trademark "Java" in the Specification of the present application (see, e.g., pg. 2 of the Specification).

Applicants have amended the Specification, obviating the Examiner's objections.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

In "Claim Rejections – 35 USC § 112," item 9 on page 6 of the above-identified Office Action, claims 4, 5, 8, 23, 24 and 27 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner states that claims 4, 5, 8, 23, 24 and 27 fail to particularly point out and distinctly claim the subject matter which Applicants regard as their invention because those claims contain the trademark/trade name Java.

While Applicants continue to maintain that the use of the term Java is permissible in claims, as it is well known within the art to refer to a specific programming language rather than identify any source of goods or services, Applicants have amended claims 4, 5, 8, 23, 24 and 27 to recite an "object-oriented language", a broader term-of-art that includes the Java

programming language, as well as others. Accordingly, Applicants submit that the §112, second paragraph rejection of claims 4, 5, 8, 23, 24 and 27 is obviated.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In "Claim Rejections – 35 USC § 102," item 11 on page 7 of the above-identified Office Action, claims 1-3, 6-7, 20-22, 25-26, 33, 36 and 38 have been rejected as being fully anticipated by U.S. Patent No. 6,292,936 to *Wang* (hereinafter "Wang") under 35 U.S.C. § 102 (e). Applicants respectfully disagree.

Claims 1-3, 6-7, 20-22, and 25-26
Amended claim 1 calls for a "method of computing comprising:

reading, by an execution engine, a data processing representation having code
sections with code statements of at least a first and a second programming
language;

recognizing, by the execution engine, a first code section with at least code statements
of a first programming language;

invoking, by the execution engine, a first code statement processing unit of the first
programming language to process the first code section;

recognizing, by the execution engine, a second code section with at least code
statements of a second programming language; and

invoking, by the execution engine, a second code statement processing unit of the
second programming language to process the second code section."

In contrast, Wang fails to disclose, expressly or inherently, an execution engine that invokes first and second code statement processing units of first and second programming languages, as is claimed in amended claim 1. Wang merely teaches "an interpreter-based scripting environment [that] includes multiple runtime processors executed by the computer. Each of the runtime processors processes their respective corresponding intermediate sources derived from an original source in a synchronous manner" (abstract). Specifically, the original source disclosed in Wang comprises an HTML document with embedded Visual

Basic scripting langauge blocks. Wang teaches a <u>single</u> HTML parser that parses the original HTML + VB source, and translates the non-VB source into a first intermediate source executable by a Java VM, and the VB source into a second intermediate source having the VB script statements executable by a VB script interpreter.

Even if it were possible to read the Java VM and VB Script Interpreter as first and second code statement processing units, as the Examiner does (which it is not, for reasons given below), Wang does not disclose an execution engine that invokes **both** of the Java VM and VB Script Interpreter. The HTML parser of Wang, described above, simply creates intermediate sources and does not invoke either of the Java VM or the VB Script Interpreter. According to Wang, col. 3, lines 57-67 and col. 4, lines 1-8, the Java VM is invoked first at runtime, and the VB Script Interpreter is later invoked <u>by the Java VM</u>. Thus, there is no common process that invokes both the Java VM and the VB Script Interpreter, and therefore, Wang does not disclose the execution engine recited by claim 1.

Additionally, as mentioned, the Java VM and VB Script Interpreter do not read on the first and second code statement processing units recited by claim 1. According to claim 1, the first and second code statement processing units process the first and second code sections with statements of the first and second programming languages. The Java VM and VB Script Interpreter, in contrast, merely process intermediate sources created by an HTML parser prior to runtime. Because these intermediate sources are not the code sections of first and second languages recognized in the data processing representation, their processing does not read on the processing of the first and second code sections recited by claim 1. Thus, since the Java VM and VB Script Interpreter do not process the first and second code sections, they cannot read on the first and second code statement processing units recited by claim 1.

In fact, the only component of Wang that arguably processes the first and second code sections is the HTML parser, which translates both into intermediate sources. The

HTML parser is a <u>single</u> program, however, and thus is incapable of reading on the first and second code statement processing units recited by claim 1.

Accordingly, claim 1 is patentable over Wang under §102(e).

Claim 20 includes similar language directed to an apparatus of the invention. Thus, for at least the same reasons, claim 20 is patentable over Wang.

Claims 2-3, 6-7, 21-22, and 25-26 depend from claims 1 and 20, incorporating their limitations respectively. Thus, for at least the same reasons, claims 2-3, 6-7, 21-22, and 25-26 are patentable over Wang.

Additionally, even assuming Wang anticipates claims 1 and 6, and/or claims 20 and 25, Wang does not disclose, expressly or inherently, that "said third code section is embedded within said second code section, and said second code section is embedded within said first code section," as is claimed in claims 7 and 26. While Wang does teach an original input source, such as HTML, that may include a plurality of embedded code sections, such as embedded VB Script, Wang does not disclose a third code section that may be embedded in a second code section when the second is itself embedded in a first. The example given by Wang of a second code section (VB Script) embedded in a first code section (arguably, HTML) does make reference to the possibility of other additional code sections, but makes no explicit reference to such sections being embedded in VB Script or any other code section that might itself be embedded in HTML. Accordingly, Wang does not anticipate claims 7 and 26.

Claims 33, 36 and 38

Claim 33 recites an apparatus comprising:

"at least one storage medium having stored therein a plurality of programming
        instructions designed to instantiate an execution engine to enable the
        apparatus to

read, by the execution engine, a data processing representation having code sections
with programming language statements of at least a first and a second
programming language, wherein the execution engine is adapted to recognize
the code sections and, in response, invoke first and second code statement
processing units to process to process the code sections,

recognize, by the execution engine, a header section of a selected one of the first and
the second programming language;

recognizing, by the execution engine, a directive statement within the header section,
enumerating one or more data packages, and

import, by the execution engine, the enumerated one or more data packages for use
code sections with at least code statements of the selected one of the first and
the second programming language; and

at least one processor coupled to the storage medium to execute the programming
instructions."

Although Wang arguably makes reference to reading "a data processing
representation having code sections with programming language statements of at least a first
and a second programming language," no explicit mention is made of recognizing a header
section in at least one of the representation's programming language code sections. Nor is
any "recognizing" operation inherent in Wang. The method and scripting environment of
Wang merely requires that an HTML parser recognize code sections of different languages.
No other recognition operations are required.

Accordingly, claim 33 is patentable over Wang under §102(e).

Claims 36 and 38 include similar language directed to other apparatuses of the
invention. Thus, for at least the same reasons, claims 36 and 38 are patentable over Wang.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

1.   In "Claim Rejections – 35 USC § 103," item 13 on page 10 of the above-identified Office Action, claims 4, 5, 8, 23, 24 and 27 have been rejected as being obvious over Wang in view of U.S. Patent No. 6,732,330 to *Claussen* (hereinafter "Claussen") under 35 U.S.C. § 103 (a). Applicants respectfully disagree.

Claussen fails to cure the above discussed deficiencies of Wang. Therefore, claims 1 and 20 remain patentable over Wang even when combined with Claussen.

Claims 4, 5, 8, 23, 24 and 27 depend from claims 1 and 20, incorporating their limitations respectively. Thus, for at least the same reasons, claims 4, 5, 8, 23, 24 and 27 are patentable over Wang and Claussen, alone or in combination.

Additionally, even assuming for the sake of argument some teaching to combine Wang and Claussen (Applicants do not concede that any such teaching exists), Claussen fails to disclose "wherein said first language is a directive language, and said second language is a selected one of XML and an object-oriented language," as recited by claim 4 (claims 5, 8, 23,24, and 27 contain similar recitations to the above mentioned recitation of claim 4). Rather, Claussen teaches "a web page . . . supporting multiple scripting languages is compiled into an XML . . . DOM (Document Object Model), and, thereafter, into a Java servlet." While multiple scripting languages are mentioned, Claussen simply does not suggest the use of a <u>directive language, XML, or an object-oriented language *as* one or more of the multiple scripting languages</u>. Instead, Claussen teaches the compiling of said languages into XML, and **then** into a Java servlet. Therefore, Claussen does not teach the limitation lacking in Wang, and thus, when combined with Wang, cannot form the basis for an obviousness rejection.

2.   In "Claim Rejections – 35 USC § 103," item 14 on page 11 of the above-identified Office Action, claims 9-19, 28-32, 34, 35, and 37 have been rejected as being obvious over

Wang in view of U.S. Patent No. 5,428,792 to *Conner et al.* (hereinafter "Conner") under 35 U.S.C. § 103 (a). Applicants respectfully disagree.

<u>Claims 9-13, 28-32, 34-35, and 37</u>

Conner fails to cure the above discussed deficiencies of Wang. Therefore, claims 1 20, 33, and 36 remain patentable over Wang even when combined with Conner.

Claims 9-13, 28-32, 34-35, and 37 depend from claims 1, 20, 33, and 36, incorporating their limitations respectively. Thus, for at least the same reasons, claims 9-13, 28-32, 34-35, and 37 are patentable over Wang and Conner, alone or in combination.

<u>Claims 14-19</u>

Independent claims 14, 17, and 19 include similar recitations to claim 1, and thus are patentable over Wang for at least the same reasons as claim 1. And as noted above, Conner fails to cure the deficiencies of Wang. Therefore, claims 14, 17, and 19 are patentable over Wang and Conner, alone or in combination.

Claims 15-16 and 18 depend from claims 14 and 17, incorporating their limitations respectively. Thus, for at least the same reasons, claims 15-16 and 18 are patentable over Wang and Conner, alone or in combination.

CONCLUSION

In view of the foregoing, Applicant submits that claims 1-38 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: ___December 27, 2006___   by: ___/Robert C. Peck/_____
                                       Robert C. Peck
                                       Reg. No.: 56,826

Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97222
Telephone: 503-222-9981